

## **Talking Points Regarding EPA's Partial Approval/Partial Disapproval of Oregon's 2012 Impaired Waters List**

- On December 21, 2016 EPA partially approved and partially disapproved approved Oregon Department of Environmental Quality's (ODEQ) 2012 Impaired Waters List. EPA approved ODEQ's assessment and inclusion of 131 new additions to the 2012 Impaired Waters List, as well as the assessment and removal of 77 water quality limited segments from their 303(d) list. Sixty of these were meeting water quality standards, 16 moved to Category 4a with approved TMDLs, and one was placed in Category 4b as having a TMDL alternative pollution cleanup plan. EPA disapproved ODEQ's failure to include all of the impaired waters in need of a TMDL on the 2012 303(d) list. EPA is therefore proposing to add a total of 1,055 water quality limited segments (WQLSs) to Oregon's 2012 303(d) list for the following reasons:
  - EPA disapproved the delisting of 8 water quality limited segments (WQLSs) from Category 5, after determining that they were still impaired.
  - Upon review, EPA concluded that ODEQ had not fully evaluated all readily available data. EPA assembled and evaluated this data, assessed the data for attainment with water quality standards and determined that 332 WQLS were impaired and is proposing their addition to Category 5, the 303(d) list.
  - An additional 714 waters are being returned to Category 5 from Category 4a, as a result of TMDL litigation.
  - At the request of ODEQ, EPA is also correcting several errors, one of which will result in a water quality segment being placed in Category 5 because it was in fact not included in an approved TMDL and should not have previously been placed in Category 4a.
- The listing process helps states prioritize those rivers, lakes, streams or marine waters that need special attention to reach the goals of the Clean Water Act, and to insure that these waters may be enjoyed safely by residents and visitors alike.
- The Impaired Waters List (303(d) list) is the most direct way for a state to communicate to EPA and the public about waters throughout the state, as well as the clean up priorities. Every two years states collect data about the water quality in rivers, streams, lakes and marine waters throughout the state. They compare the data to the state water quality standards, which ensure that waterbodies are safe for use.
- If there are any levels of pollution that are too high and do not meet the water quality standards, the state adds the water to the Impaired Waters List, also known as the

303(d) list, after the section of the Clean Water Act that it is in. The state then prioritizes the listed waters for clean-up.

- The list Oregon submitted to EPA was incomplete. ODEQ simply lacks the resources to be able to develop a complete list for submittal. EPA is working with ODEQ to tackle some of those resource issues, such as updating their database and list tracking and submittal system.
- Most of the waters EPA added were for pollutants that ODEQ did not assess. ODEQ was not able to fully assess: alkalinity; ammonia; aquatic weeds; bacteria; biocriteria; chloride; chlorine; chlorophyll a; dissolved oxygen outside the Willamette and Umatilla Basins; marine waters; metals; nitrates; pH; phosphorus; temperature; tissue of fish and soft shell clams; total dissolved gas; and toxics outside the Willamette and Umatilla Basins.
- EPA is seeking public comment on the 1,055 proposed additions. EPA will be accepting comments on our proposed additions from December 22, 2016 to February 6, 2017. Comments can be sent to Jill Fullagar at [ [HYPERLINK "mailto:Fullagar.jill@epa.gov"](mailto:Fullagar.jill@epa.gov) ] and should include the subject line "OR 2012 comment period."
- Separate from the comment period on EPA's proposed additions, EPA is also seeking data, information and comments on potential aquatic life impairments in Oregon coastal marine waters. See Enclosure 2 on our website for details regarding the specific nature of the information being sought. Comments must be submitted by the close of the comment period, which is also open from December 22, 2016 to February 6, 2017. Comments can be sent to Jill Fullagar at [ [HYPERLINK "mailto:Fullagar.jill@epa.gov"](mailto:Fullagar.jill@epa.gov) ] and should include the subject line "OR 2012 comment period."
- The website for our action is: [ [HYPERLINK "https://www.epa.gov/tmdl/partial-approvalpartial-disapproval-oregon-2012-303d-list"](https://www.epa.gov/tmdl/partial-approvalpartial-disapproval-oregon-2012-303d-list) ]
- All of our decision documents and supporting information are on our website, but commenters can also visit the Region 10 EPA Library if they need assistance locating any of the documents related to our action.
- Region 10 contact: Jill Fullagar, Region 10 Impaired Waters Coordinator, 206-553-2582, [ [HYPERLINK "mailto:Fullagar.jill@epa.gov"](mailto:Fullagar.jill@epa.gov) ]